

HONORABLE LONNY R. SUKO

MICHAEL E. McFARLAND, JR., #23000  
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IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

KATHLEEN H. PAUKERT as Guardian  
ad Litem for MINOR CHILD A; and  
JOHN and JANE DOE, husband and wife  
and parents of MINOR CHILD A,

Plaintiffs,

vs.

CENTRAL VALLEY SCHOOL  
DISTRICT NO. 356, a political  
subdivision; DAVE BOUGE, individually  
and in his capacity as an official of  
Bowdish Middle School and/or Central  
Valley School District; LISE LOUER,  
individually and in her capacity as an  
official of Bowdish Middle School and/or  
Central Valley School District; ROBERT  
JOHNSON, individually and in his  
capacity as an official of Bowdish Middle  
School and/or Central Valley School  
District; and MICHAEL O. PEARSON,  
individually and in his capacity as an  
official of Bowdish Middle School and/or  
Central Valley School District,

Defendants.

NO. CV-13-094-LRS

STIPULATED ORDER OF  
PROTECTION

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**I. BASIS**

On November 25, 2014, this Court entered an Order Re Motion to Compel Deposition Testimony [ECF No. 64]. In that Order, the Court granted Plaintiffs' Motion to Compel Deposition Testimony [ECF No. 54], in which Plaintiffs sought to depose Central Valley School District Board members regarding discussions that may have occurred during executive sessions regarding Anthony Cucinotti. Defendants had opposed Plaintiffs' Motion to Compel Deposition Testimony, arguing that the executive privilege precludes disclosure of matters discussed in executive privilege. For the reasons set forth in the Court's Order Re Motion to Compel Deposition Testimony [ECF No. 64], the Court found good cause to order the depositions. However, the Court acknowledged that invading the executive privilege has the potential of causing future timidity of school board members to fully discuss matters generally subject to the state executive privilege, and likewise potentially invades the privacy interests of non-party employees. The Court therefore directed the parties to provide a protective order that meets the privacy interests of any non-party and likewise serves the purpose of RCW 42.30.110. The parties submit this Order for that purpose.

1 **II. FINDINGS**

2 For the reasons identified by the Court in its Order Re Motion to Compel  
3 Deposition Testimony [ECF No. 64], the parties stipulate that good cause exists  
4 for the entry of an order of protection.  
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7 **STIPULATION**

8 IT IS HEREBY STIPULATED BY THE PARTIES, by and through their  
9 attorneys, that the following procedures shall apply to any testimony provided in  
10 this matter concerning discussions that occurred during any executive session of  
11 any Central Valley School District Board meeting.  
12  
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14 1. Any testimony regarding discussions that occurred during any  
15 executive session of any Central Valley School District Board meeting is subject  
16 to this Protective Order.  
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19 2. All parties and their attorneys agree to treat all testimony regarding  
20 discussions that occurred during any executive session of any Central Valley  
21 School District Board meeting as confidential, except as necessary to present the  
22 parties' claims in the above-referenced case. The parties and their attorneys  
23 thereby agree not to disseminate any testimony covered by this Order to any  
24 third-party, when and only when the specific identity is needed, except to:  
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- a. The party(ies), their attorneys and the attorneys' employees;
- b. Consultants and experts retained by any party for the purposes of assisting in the preparation or presentation of claims or defenses;
- c. Any person for the purpose of perfecting service of notices of deposition and/or subpoenas for trial upon student witnesses;
- d. The Court and its personnel;
- e. Court reporters, their staff and professional vendors to whom disclosure is reasonably necessary for this litigation;
- f. The author or addressee of the document, or the person to which the document or information relates, or the original source of the information; and
- g. Any other person authorized by the Court.

3. All of the foregoing persons, including the attorneys' staff persons working on this case, other than the parties' attorneys shall be shown a copy of this Order and shall sign it or otherwise signify in writing prior to being shown testimony subject to this Order that the person has read the Order and consents to be bound by its terms.

1           4.     Upon completion of this litigation, all transcripts that contain  
2 testimony subject to this Order shall remain confidential, and shall continue to be  
3 kept pursuant to the above criteria.  
4

5           5.     Nothing contained herein shall be construed to prejudice or limit  
6 any party's right to use the records in the taking of depositions or at trial to the  
7 extent permitted, if at all, under the rules of evidence and civil procedure.  
8  
9

10          6.     Nothing in this Order shall prevent any party hereto from seeking  
11 modification of this Order, or from objecting to discovery which it believes to be  
12 otherwise improper.  
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14          7.     Violation of the terms of this Order, by any of the signators to this  
15 agreement, their employees, agents or experts may be subject the violator to any  
16 sanction deemed appropriate by the Court.  
17  
18

19               DATED this 9<sup>th</sup> day of January, 2015.  
20

21                               EVANS, CRAVEN & LACKIE, P.S.

22                               BY s/ Michael E. McFarland  
23                               MICHAEL E. McFARLAND, JR., #23000  
24                               Attorneys for Defendants

25                               EYMANN ALLISON HUNTER JONES P.S.

26                               BY s/ Richard C. Eymann  
27                               RICHARD C. EYMANN, WSBA #7470  
28                               Attorneys for Plaintiffs

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**ORDER**

Based on the parties' foregoing Stipulation, the Court, having considered the files and records herein, finds that good cause exists to grant the parties' Stipulated Order of Protection.

Now, therefore, it is hereby

ORDERED, ADJUDGED AND DECREED that the parties' Stipulated Order of Protection is **GRANTED**.

DATED this 12th day of January, 2015.

*s/Lonny R. Suko*

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LONNY R. SUKO  
Senior U.S. District Court Judge